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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,545	02/21/2001	Michael Orr	P-3059-US	5618
49443	7590	08/22/2006	EXAMINER	
PEARL COHEN ZEDEK, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/788,545	Applicant(s) ORR ET AL.	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

*Response to Amendment*

Responsive to Amendment received June 8, 2006. Claims 1, 2, 4, 5, 9-11, 13-17, 19-20, and 33 have been amended. Claims 1-21 and 33 remain herein presented for further examination.

*Response to Arguments*

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 10 has been amended to now recite that the “ *client agent unit is adapted to store real responses and to forward said stored real responses to the client upon receiving a re-load request for the stored real response from the client*” . No support for the claimed limitation has been found in the specification, more specifically, no support for the client agent storing real responses and forwarding the stored real responses to the client upon receiving a reloading request for the stored real responses from the client.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-21 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by Berger (U.S. Patent No. 5978,841).

6. As per claim 1, Berger teaches a system for enhancing perceived throughput between a client and a server, said system comprising

a predictive unit adapted to receive a first response to a request for a webpage from the server, to analyze said first response, to generate one or more predictive requests for one or more objects, wherein the one or more objects are needed in order to complete said requested web page, and to send said one or more predictive requests to the server in response to said analysis (column 3, lines 9-24).

7. As per claim 2, Berger teaches a client agent unit adapted to communicate with said predictive unit and to receive a predictive response corresponding to one of said one or more predictive requests (column 6, lines 37-40, column 3, lines 9-24).

8. As per claim 3, Berger teaches the client agent is adapted to forward a received predictive response to the client (column 6, lines 37-40, column 3, lines 9-24).

9. As per claim 4, Berger teaches the client agent unit is adapted to forward the received predictive response upon receiving a request for the received predictive response from the client (column 7, lines 1-20).

10. As per claim 5, Berger teaches wherein the client agent unit receives a second predictive response after said storage unit forwards the client's request for the response to said predictive unit (column 7, lines 17-20).

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11. As per claim 6, Berger teaches wherein the predictive response is first received by the predictive unit and forwarded to said client agent unit (column 7, lines 1-20).

12. As per claim 7, Berger teaches wherein said client unit receives requests from said client and forwards the requests to said predictive unit using encapsulation (column 8, lines 35-54).

13. As per claim 8, Berger teaches wherein data transmitted between said client agent unit and said predictive unit undergoes a data processing step selected from a group consisting of data compression, partial information transfer, protocol conversion, and data packet combining (column 8, lines 18-24).

14. As per claim 9, Berger teaches wherein the client agent unit is adapted to transmit a faked response to a client before a real response from server has been received (column 8, lines 18-24).

15. As per claim 10, Berger teaches wherein the client agent unit is adapted to store real responses and to forward said stored real responses to the client upon receiving a re-load request for the stored real response from the client (column 9, line 35-column 10, lines 18).

16. As per claim 11, Berger teaches a method for enhancing perceived throughput between a server and a client utilizing a predictive unit, said method comprising

the predictive unit analyzing the server's response to a request for a webpage issued by the client, generating one or more predictive requests for one or more objects, wherein the one or more objects are needed in order to complete said requested webpage and to send said one or more predictive requests to said server in response to said step of analyzing (column 3, lines 9-24).

17. As per claim 12, Berger teaches wherein the step of analyzing further comprises verifying any of said one or more objects associated with one or more URLs is present at said client or at said predictive unit (column 7, line 63-column 8, line 6).

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18. As per claims 13-20, these claims contain similar limitations as claims 2-10 above, therefore are rejected under the same rationale.

19. As per claim 21, Berger teaches wherein said partial response includes a re-load command (column 8, lines 18-24, column 9, line 65-column 10, line 8).

20. As per claim 33, Berger teaches wherein said predictive unit is further adapted to receive a predictive response to said one or more predictive requests, to store said received predicted response and to forward a received predictive response to said client upon receiving a request for said predictive response from said client (column 3, lines 9-24, column 7, lined 1-20).

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited in the Notice of Reference Cited (PTO-892).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

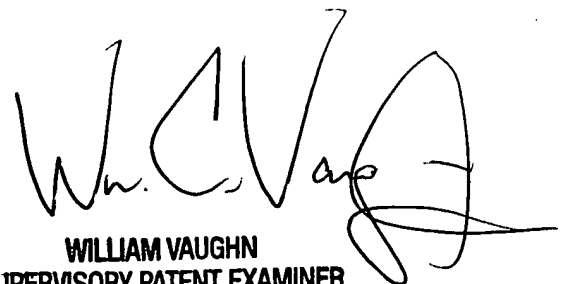
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai  
Examiner  
Art Unit 2152  
August 14, 2006



**WILLIAM VAUGHN**  
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